

ORIGINAL

7/14/06
FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

IN THE MATTER OF)
CR. NO. 04-00181 SOM)
UNITED STATES OF AMERICA v. REMY)
AGBAYANI (01) and CYNTHIA AGBAYANI)
(02), Defendants)
STATE OF HAWAII)
City and County of Honolulu) SS.

Carrie Asuncion being duly sworn,
deposes and says that she is a clerk, duly authorized to
execute this affidavit of MidWeek Printing, Inc., publisher
of MidWeek and the Honolulu Star-Bulletin, that said
newspapers are newspapers of general circulation in the
State of Hawaii, and that the attached notice is true notice
as was published in the aforementioned newspapers as
follows:

MidWeek _____ times on _____

Honolulu Star-Bulletin 3 times on _____
07/14/2006, 07/21/2006, 07/28/2006

And that affiant is not a party to or in any way interested in
the above entitled matter.

C. Asuncion

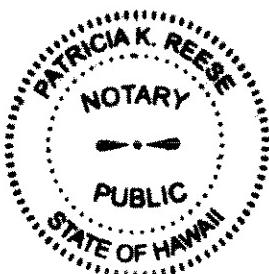
Subscribed to and sworn before me this 28th day
of JULY A.D. 2006

Patricia K. Rees

Notary Public of the First Judicial Circuit
State of Hawaii

My commission expires October 07, 2006

Ad# 05523676



AUG 02 2006
at V o'clock and P min. M
AFFIDAVIT OF PUBLIC CLERK SWORN TO BY

CR 04-181

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII
UNITED STATES OF AMERICA, v. REMY AGBAYANI (01)
and CYNTHIA AGBAYANI (02), Defendants,
Cr. No. 04-00181 SOM.

NOTICE IS HEREBY GIVEN that on June 14, 2006, in the
above captioned case, the United States District Court for the
District of Hawaii entered a Preliminary Order of Forfeiture
concerning and including the interests of REMY AGBAYANI
and CYNTHIA AGBAYANI in the below listed properties and
concerning and including those properties in the United
States of America:

1. A sum of money equal to \$725,325.81 in United
States currency, representing the amount of proceeds
obtained as a result of the offense listed in Count 1,
for which defendant(s) are jointly and severally liable;
2. \$378,913.25 in United States currency, being the net
proceeds from the sale of the two single interest in the
real property located at 5445 Huilua Street in Hono-
lulu, Hawaii, titled in the name of Tuan Lynn Chang, and
also used by defendant CYNTHIA AGBAYANI, and more
specifically identified on Tax Map Key No. (1) 3-7-
022-900, together with all improvements, appurtenan-
ces, fixtures, attachments and assessments;
3. \$243,000.25 in United States currency seized on
September 18, 2003, and September 22, 2003, from
American Savings Bank checking account (No.
80000384051) and savings account (No.
30010394918), both held in the name of Reanne N.
Aghajani; and
4. A sum of money equal to \$275,000.00 in United
States currency, representing the amount of proceeds
obtained by defendant CYNTHIA AGBAYANI as a result
of the offense listed in Count 4.

YOU ARE HEREBY NOTIFIED that the United States intends
to dispose of these properties in such manner as the United
States Department of Justice may direct.

Pursuant to 28 U.S.C. § 883(a)(1), as incorporated by 18
U.S.C. § 882(a)(1), if you have a legal interest in any of these
properties, within THIRTY (30) DAYS of the final publication
of this notice or receipt of actual notice, whatever is
earlier, you must petition the United States District Court for
the District of Hawaii, 300 Ala Moana Boulevard, Room
C-318, Honolulu, Hawaii 96850, for a hearing to adjudicate
the validity of your alleged legal interest in these properties.
If a hearing is requested, it shall be held before the Court
alone, without a jury.

THE PETITION must be signed by the petitioner under
penalty of perjury, as established in 28 U.S.C. § 1746, and
shall set forth the nature and extent of your right, title and
interest in such item of property, the time and circumstances
of your acquisition of the right, title or interest in such item of
property and any additional facts supporting your claim and
the relief sought.

A copy of the petition should be served on Assistant
United States Attorney RACHEL S. MORIYAMA, 300 Ala
Moana Boulevard, Room 8-100, Honolulu, Hawaii 96850.

Pursuant to 28 U.S.C. § 883(a)(2), as incorporated by 18
U.S.C. § 882(a)(2), NEITHER DEFENDANT IN THE ABOVE-
STYLED CASE NOR THEIR AGENTS ARE ENTITLED TO FILE A
PETITION.

ANY HEARING on your petition shall, to the extent practicable
and consistent with the interests of justice, be held within
thirty (30) days of the filing of your petition. The Court may
reschedule your hearing on the petition with any other
hearing imposed on any other petition filed by any other
person other than the defendant named above.

YOU HAVE THE RIGHT at the hearing to testify and present
evidence and witnesses in your own behalf and cross-
examine witnesses who appear at the hearing. The United
States may present evidence and witnesses in its behalf and in
defense of its claim in the properties and cross-examine
witnesses who appear at the hearing. In addition to testimony
and evidence presented at the hearing, the Court shall
consider the relevant portions of the record of the criminal
trial which resulted in the Preliminary Order of Forfeiture.

It, after the hearing, the Court determines that the
petitioner has established by a preponderance of the evidence
that: (a) the petitioner has a legal right, title or interest in any
property, and such right, title or interest renders the Preliminary
Order of Forfeiture invalid in whole or in part
because the right, title or interest was vested in the petitioner
prior to the date of the commission of the offense or
prior to the date of the commencement of the case which gave rise to the forfeiture of the property; or (b)
the petitioner is a bona fide purchaser for value of the rights
over or interest in the property and was at the time of
purchase reasonably without cause to believe that the
property was subject to forfeiture. The Court shall further
award the Preliminary Order of Forfeiture in accordance with
its determination.

IF YOU FAIL TO FILE A PETITION TO ASSERT YOUR RIGHT,
TITLE OR INTEREST IN THE ABOVE-DESCRIBED PROPERTIES
WITHIN THIRTY (30) DAYS OF THIS NOTICE, YOUR RIGHT, TITLE
AND INTEREST IN THESE PROPERTIES SHALL BE LOST AND
FORFEITED TO THE UNITED STATES OF AMERICA. THE UNITED
STATES THEN SHALL HAVE CLEAR TITLE TO THE PROPERTIES
HEREIN DESCRIBED AND MAY WARRANT GOOD TITLE TO ANY
SUBSEQUENT PURCHASER OR TRANSFEREE.
(050523676 7/14/2006 7/28/2006)